

367.409 Business solicitation following motor vehicle accident prohibited -- Exceptions -- Penalty -- Additional sanctions by state regulating authority.

- (1) For the first thirty (30) days following a motor vehicle accident, a person, as that term is defined in KRS 446.010, shall not directly solicit or knowingly permit another person to directly solicit an individual, or a relative of an individual, involved in a motor vehicle accident for the provision of any service related to a motor vehicle accident.
- (2) For the purposes of this section, "solicit":
 - (a) Means to initiate communication in anticipation of financial gain or remuneration for value; and
 - (b) Does not include:
 1. Advertising directed to the general public;
 2. Communications by fire, police, or emergency medical personnel dispatched to a motor vehicle accident; and
 3. Communications by an insurer as defined by KRS 304.1-040, an agent as defined by KRS 304.9-020, or an adjuster licensed pursuant to Subtitle 9 of KRS Chapter 304, as those terms are defined in KRS Chapter 304, or an employee of an insurer or agent.
- (3) A person who knowingly violates this section shall be subject to a one thousand dollar (\$1,000) fine.
- (4) In addition to the penalty provided in subsection (3) of this section:
 - (a) A person licensed or certified by a regulating authority in Kentucky who violates this section may be sanctioned by the licensing or regulating authority;
 - (b) Any charges owed by or on behalf of an individual involved in a motor vehicle accident for services rendered by or on or behalf of a person who violates this section shall be void; and
 - (c) Any moneys paid by or on behalf of a victim of a motor vehicle accident for services rendered by or on behalf of a person who violates this section shall be forfeited and returned to the payor.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 69, sec. 1, effective June 8, 2011.